

State of Alaska

# DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## DIVISION OF WATER



**18 AAC 70**

### **Water Quality Standards**

*Proposed Amendments  
Public Notice Version  
January 2014*

Register \_\_\_\_\_, \_\_\_\_\_ 2014 ENVIRONMENTAL CONSERVATION

18 AAC 70.015(a)(2)(D) is repealed:

(D) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_.

(Eff. 11/1/97, Register 143; am 4/8/2012, Register 202; am \_\_/\_\_/\_\_\_\_, Register\_\_\_\_)

<b>Authority:</b>	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.710	AS 46.03.720
	AS 46.03.050	AS 46.03.100	
	AS 46.03.070		

18 AAC 70 is amended by adding a new section to read:

**18 AAC 70.016. Antidegradation implementation methods for actions authorized under the Clean Water Act.** (a) 18 AAC 70.015 applies to all State water including all waters of the United States in Alaska. In implementing the policy under 18 AAC 70.015 for a water of the United States within the State of Alaska, the following provisions apply

(1) an antidegradation analysis and findings are required for actions or discharges subject to authorization by the department under the following

(A) the Alaska Pollutant Discharge Elimination System (APDES)

Program under 18 AAC 83; and

(B) 33 U.S.C. 1341 (Clean Water Act section 401) water quality certifications; for 33 U.S.C. 1341 (Clean Water Act section 401) water quality certifications of 33 U.S.C 1344 (Clean Water Act section 404) permits, the department, in its discretion, will determine upon review, whether the evaluation and findings of no significant degradation per 33 U.S.C. 1344 and 40 C.F.R. 230, as amended through July 1, 2012, adopted by reference, are sufficient to comply with state antidegradation requirements under this section with regard to water quality impacts from dredge or fill

material; the antidegradation findings will consider where the fill is placed and impacts to the receiving water from the fill activity.

(2) an antidegradation analysis and findings are not required of the department for

(A) activities proposed for the express purpose of watershed protection or restoration where the applicant supplies information and the department finds the antidegradation analysis is not required because the lowering of water quality would be temporary and limited and is necessary to secure long-term water quality improvement, including projects for the protection or attainment of existing and designated uses in water where the department determines those uses have been impaired or threatened due to the loss or diminishment of the water's natural characteristics; all projects shall implement best management practices;

(B) emergency response actions under the direction of a federal or state on-scene coordinator, designated under 33 U.S.C. 1321, AS 46.04.020, or AS 46.09.020; any lowering of water quality that is not temporary and limited would need to be addressed by the responsible party whose actions, or lack thereof, necessitated emergency action; existing laws and regulations, such as 40 C.F.R. 300 (National Oil and Hazardous Substances Pollution Contingency Plan) or 33 U.S.C. 2701-2762 (Oil Pollution Act of 1990) may be used to address restoration, rehabilitation, replacement, acquisition of the equivalent for the affected natural resources, including long term water quality impacts;

(C) Federal Clean Water Action Section 401 certifications where the department has waived certification; this provision does not alter federal agencies'

existing obligations to issue permits in compliance with state water quality standards, including antidegradation provisions;

(D) revisions to 18 AAC 70, including revisions to the water use classes and subclasses, revisions to water quality criteria, adoption of site specific criteria, and the reclassification of waters.

(3) an antidegradation analysis is tier specific as described under (b), (c) and (d) of this section; antidegradation analyses and department findings for Tier 1 and Tier 2 protection levels are on a pollutant or parameter basis; analysis and department findings for Tier 3 water are on a statutorily designated water or segment thereof basis.

(4) an antidegradation analysis is subject to the public participation and intergovernmental review procedures under 18 AAC 70.015(c).

(5) the applicant shall submit sufficient information, measured or modeled, to complete an antidegradation analysis under (b), (c), and (d) of this section on department approved forms; the department, in its discretion, shall review and determine whether the information is sufficient; information required for department review shall include

(A) identification of the receiving water, including the geographic extent potentially affected by the proposed discharge;

(B) description of project purpose;

(C) type of facility, activity, and discharge;

(D) discharge rate;

(E) parameters of concern in the discharge addressing the concentrations, persistence, and potential impacts to the receiving water;

(F) data on parameters that may alter the effects of the discharge to the receiving water;

(G) highest applicable antidegradation tier protection level for each pollutant or parameter of concern; and

(H) any additional information as requested by the department.

(6) the applicant may submit sufficient and credible baseline water quality information, measured or modeled, for the receiving water in order for the department to determine the applicable tier protection level; the level of baseline water quality data necessary for department review will be relative to the size of the project, characteristics of the proposed discharge, and the characteristics of the receiving water including special management or habitat designations, as applicable; when evaluating whether the information submitted is sufficient and credible or whether additional information may be required, the department will consider all relevant factors, including

(A) sensitivity of the receiving water to degradation of existing or designated uses;

(B) types of parameters of concern in the proposed discharge;

(C) available dilution or assimilative capacity of the receiving water for the proposed discharge, including the impacts of authorized discharges whether existing or not;

(D) representativeness of any surrogate water information proposed for baseline water quality relative to the receiving water under review, including geographic, hydrologic, geologic, water use and water quality characteristics;

(E) validity of any assumed baseline concentrations of below detection levels or zero;

(F) the quantity, date of analysis, analytical method, detection level, spatial and temporal scope of any submitted data; and

(G) whether the data considers applicable seasonal or natural variability.

(b) Tier 1 analysis of existing use protection. Tier 1 applies to all water of the United States within the State of Alaska and affords the protection under 18 AAC 70.015(a)(1). The following applies for Tier 1 antidegradation analysis

(1) the department will conduct a Tier 1 antidegradation analysis for all actions or discharges specified in (a)(1) of this section;

(2) the finding of no significant degradation under 33 U.S.C. 1344 (Clean Water Act Section 404(b)(1)) and 40 C.F.R. 230 guidelines, as amended through July 1, 2012, adopted by reference, fulfills Tier 1 antidegradation finding requirements for dredge or fill material;

(3) the applicant shall submit sufficient information required under (a)(5) of this section in support of the application;

(4) Tier 1 is the minimum protection level for an applicable pollutant or parameter; Tier 1 is also the highest antidegradation protection level for a pollutant or parameter when

(A) the receiving water is listed as impaired under 33 U.S.C. 1313 (Clean Water Act section 303(d)) for that pollutant or parameter;

(B) the department determines a Tier 1 protection level for a pollutant or parameter based on information in the most recent state report issued under 33 U.S.C. 1315 (Clean Water Act section 305(b)); or

(C) the department has issued a Tier 1 finding for a pollutant or parameter in the water; in making a Tier 1 finding for a pollutant or parameter in the water, the department may use information submitted by the applicant under (a)(6) of this section; the water remains Tier 1 for the applicable pollutant or parameter unless sufficient and credible information is provided for the department to review and approve.

(5) the department will not authorize an action or discharge unless, in its discretion, it finds that

(A) existing uses and the water quality necessary for protection have been identified based on available evidence, including water quality and use related data, information submitted by the applicant, and water quality and use related data and information received during public comment;

(B) existing uses will be maintained and protected; and

(C) the discharge will not cause water quality to be lowered further where the department finds that the pollutant or parameter is already at or failing to meet applicable criteria in 18 AAC 70.020(b), 18 AAC 70.030 or 18 AAC 70.236(b).

(c) Tier 2 analysis for the lowering or potential lowering of high quality water. Tier 2 applies when a pollutant or parameter quality in a water of the United States within the State of Alaska is better than the applicable criteria under 18 AAC 70.020(b), 18 AAC 70.030 or 18 AAC 70.236(b) and affords the protection under 18 AAC 70.015(a)(2).

(1) Tier 2 is presumed for all water as the highest protection level for all pollutants or parameters unless

(A) the water is listed as impaired under 33 U.S.C. 1313 (Clean Water Act section 303(d));

(B) the department determines a Tier 1 protection level for the applicable pollutant or parameter based on information in the most recent state report issued under 33 U.S.C. 1315 (Clean Water Act section 305(b));

(C) available evidence is provided for department review and approval to determine that a pollutant or parameter is only subject to Tier 1 analysis and the department finds

(i) the water persistently does not meet water quality criteria in 18 AAC 70.020(b), 18 AAC 70.030 or 18 AAC 70.236(b); and

(ii) the failure to meet water quality criteria is not the result of permit violations for discharges to the receiving water; or

(D) the water is designated Tier 3 under 18 AAC 70.017.

(2) a Tier 2 antidegradation analysis and findings are not required for a de minimis action or discharge where the department determines the proposed action or discharge is consistent with the following

(A) the pollutant or parameter in the proposed discharge will not increase more than five percent over the existing, permitted or allowable discharge level;

(B) the proposed discharge will not cumulatively decrease the available assimilative capacity of the receiving water by more than five percent from the conditions



as of the initial adoption date of this section; the cumulative lowering of water quality must take into account all sources in the receiving water;

(C) the following conditions are met; and

(i) the applicant is required to and submits sufficient and credible baseline water quality information under (a)(6) of this section;

(ii) the impacts of bioaccumulative or biomagnifying pollutants or parameters are considered on a permit specific basis;

(iii) Tier 1 existing use protection has been demonstrated under (b) of this section; and

(iv) the applicant provides any additional information requested by the department when evaluating a de minimis finding.

(D) de minimis is not applied to Tier 3 water; the applicant shall demonstrate that discharges to, or tributary to, Tier 3 water afford the protection required under (d) of this section.

(3) the department will conduct a Tier 2 antidegradation analysis for actions or discharges subject to authorization that will lower or have the potential to lower water quality of Tier 2 high quality water, when reviewing

(A) a general or individual permit for a proposed new or expanded discharge; for proposed expanded discharges under a reissued general or individual permit, a Tier 2 analysis will only be conducted for the portion of the discharge that represents an increase from the existing, authorized discharge unless the treatment

process or discharge will be replaced or undergo a major retrofit, in which case the Tier 2 review will be conducted on the entire discharge;

(B) a general or individual permit for an existing discharge that did not previously require authorization and is proposing to expand;

(C) a general or individual permit for an existing discharge where a permit was previously required but has not been issued;

(D) a general or individual permit for a previously expired permit that had not been administratively extended; or

(E) a general or individual permit for a previously terminated discharge seeking reauthorization.

(4) a Tier 2 antidegradation analysis and department findings are not required when issuing

(A) a reissued general or individual permit for a discharge that is not proposing to expand;

(B) a general or individual permit for an existing discharge that did not previously require authorization and is not proposing to expand; or

(C) a reissued administratively continued permit that is not proposing to expand.

(5) the applicant shall submit sufficient information in support of the application; the amount of information and level of detail necessary is relative to the size of the project or

facility, the characteristics of the proposed discharge, and the characteristics of and potential risk to the receiving water; information required for department review includes

(A) information required under (a)(5) of this section;

(B) a description and analysis of a range of practicable alternatives for the proposed action or discharge to reduce the lowering of existing water quality, from no degradation to the proposed alternative for the discharge, such as

(i) non-discharge alternatives;

(ii) process revisions or improvements that reduce pollutant or parameter discharge;

(iii) relocation or reconfiguration of discharge;

(iv) seasonal discharge to avoid critical ecological time periods; or

(v) new technologies that reduce pollutant discharge.

(C) evaluation of the cost effectiveness for all practicable alternatives;

(D) identification of receiving water quality and ancillary environmental impacts for all practicable alternatives;

(E) identification of the least degrading practicable alternative which minimizes water quality degradation while also considering accompanying environmental impacts; where applicable this may include an analysis of alternatives not directly tied to the discharge that the applicant will employ to minimize water quality degradation of the receiving water or its watershed for pollutants or parameters in the proposed discharge, such as sewer collection system rehabilitation or instituting storm water controls; if the

applicant has selected a non-degrading alternative, a social or economic importance analysis is not required; and

(F) an analysis, in the area where the receiving water is located, of social importance or economic importance for the proposed action or discharge that will lower or has the potential to lower water quality.

(6) to demonstrate social or economic importance, the applicant shall either complete

(A) a social importance analysis identifying all affected communities in the area where the receiving water for the proposed discharge is located and demonstrating that a lowering of water quality accommodates important social development under 18 AAC 70.015(a)(2)(A) including in one or more of the following areas

(i) community services provided;

(ii) public health or safety improvements;

(iii) infrastructure improvements;

(iv) education and training;

(v) cultural amenities;

(vi) recreational opportunities; or

(vii) remaining availability of dilution or assimilative capacity in the receiving water that could accommodate future development activities or discharges; or

(B) an economic importance analysis identifying all affected communities in the area where the receiving water for the proposed discharge is located and demonstrating that a lowering of water quality accommodates important economic development under 18 AAC 70.015(a)(2)(A) including in one or more of the following areas

- (i) employment, job availability and salary impacts;
- (ii) tax base impacts;
- (iii) expanded leases and royalties;
- (iv) commercial activities;
- (v) resources access;
- (vi) transportation network access; or
- (vii) remaining availability of dilution or assimilative capacity in the receiving water that could accommodate future development activities or discharges.

(7) the department reserves the right to require the analysis of specific alternatives or request additional information the department determines necessary to assess the submitted alternatives analysis, social importance analysis or economic importance analysis.

(8) the department will review available evidence; if the department finds that the proposed action or discharge will lower water quality in the receiving water, the department, in its discretion, will not authorize an action or discharge unless it finds that

(A) except as allowed under 18 AAC 70.015(a)(2), the reduction of water quality meets the applicable criteria of 18 AAC 70.020(b), 18 AAC 70.030 or 18 AAC 70.236(b);

(B) all Tier 1 findings under (b)(5) of this section are met;

(C) point source and nonpoint source discharges to the receiving water will meet requirements under 18 AAC 70.015(a)(2)(E); to make this finding the department will

(i) identify point sources and nonpoint sources that discharge to, or otherwise impact, the receiving water;

(ii) consider whether there are outstanding noncompliance issues with point source permits or department required nonpoint source best management practices and whether receiving water quality has improved or degraded over time; and

(iii) coordinate with other state or federal agencies as necessary.

(D) the alternatives analysis provided under (5)(B), (C), (D) and (E) of this subsection demonstrates that

(i) a lowering of water quality under 18 AAC 70.015(a)(2)(A) is necessary since no practicable alternatives to the proposed discharge exist that would prevent degradation;

(ii) the methods of pollution prevention, control, and treatment applied to all waste and other substances to be discharged are found by the department to be the most practicable; and

(iii) if available, the least degrading practicable alternative that would prevent or minimize the proposed degradation while considering accompanying environmental impacts is selected.

(E) the social or economic importance analysis provided under 5(F) of this subsection as further defined by (6)(A) or (B) of this subsection demonstrates that a lowering of water quality accommodates important social or economic development under 18 AAC 70.015(a)(2)(A); and

(F) 18 AAC 70.015 and this section have been applied consistent with 33 U.S.C. 1326 (Clean Water Act section 316) with regard to potential thermal discharge impairments.

(d) Tier 3 analysis for the protection of water quality in Outstanding National Resource Water. Tier 3 applies to a statutorily designated water under 18 AAC 70.017 and affords the protection under 18 AAC 70.015(a)(3). For all actions or discharges subject to authorization that have the potential to affect the water quality of a Tier 3 water

(1) the department will conduct a Tier 3 antidegradation analysis for

(A) all proposed new or expanded discharges to a Tier 3 water; or

(B) all proposed new or expanded discharges to water that is tributary to a Tier 3 water and will degrade or potentially degrade the existing quality of a Tier 3 water.

(2) the applicant shall submit sufficient information in support of the application; information required for department review shall include

(A) applicable baseline water quality information as required under

(a)(6) of this section for the Tier 3 water where the proposed discharge is to a Tier 3 water, and for the Tier 3 water and the receiving water where the proposed discharge is to a water tributary to the Tier 3 water and will degrade or potentially degrade the existing quality of a Tier 3 water;

(B) applicant information as required under (a)(5) of this section;

(C) information on the quality of the existing or proposed expanded discharge to the Tier 3 water; and

(D) information on the effect of the new or proposed expanded discharge to the water quality of the Tier 3 water.

(3) a new zone of deposit under 18 AAC 70.210 or a new mixing zone under 18 AAC 70.240 is prohibited in a statutorily designated Tier 3 water;

(4) the department will not authorize an action or discharge unless, in its discretion, it finds that

(A) the lowering of water quality is temporary and limited, including any lowering due to dredging authorized under a 33 U.S.C 1344 (Clean Water Act section 404) permit;

(B) no lowering of the Tier 3 water quality will occur such that the existing uses and Tier 3 water quality will be maintained and protected when

(i) offsets to the proposed degradation will have the net effect of no degradation to the existing Tier 3 water quality; baseline Tier 3 water quality will be established from data submitted with the Tier 3 nomination unless more recent data is available and submitted for department review and approval; new or



expanded discharges to a Tier 3 water, or to water tributary to a Tier 3 water, will only be allowed if they are offset by department approved reductions in other discharges to the Tier 3 water or discharges that affect the Tier 3 water quality; and

(ii) all point sources to the Tier 3 water have permits, or will have modified permits, that ensure no lowering of Tier 3 water quality will occur and uses will be maintained and protected; modification of an existing point source permit in order to offset a new or expanded point source to a Tier 3 water, or to a water tributary to a Tier 3 water, requires the legal consent of all permittees affected.

(C) nonpoint sources to the Tier 3 water are using all department required practicable best management practices; the department will consider available information that documents whether nonpoint sources to the Tier 3 water are using best management practices to ensure that no lowering of water quality will occur and uses will be maintained and protected; and

(D) a new zone of deposit under 18 AAC 70.210 or mixing zone under 18 AAC 70.240 is not proposed in a Tier 3 water.

(e) General permit antidegradation analysis. The department will apply the antidegradation policy and implementation methods at the time a general permit is issued. For a general permit, the department

(1) will obtain available evidence, as necessary, to support tier specific requirements and findings under this section;

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(2) will make findings on how the antidegradation policy under 18 AAC 70.015 and the antidegradation implementation requirements under this section are met; and

(3) will reserve the right to request information from applicants who may discharge under the general permit in order to conduct the antidegradation analysis.

(Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.710	AS 46.03.720
	AS 46.03.050	AS 46.03.100	
	AS 46.03.070		

18 AAC 70 is amended by adding a new section to read:

**18 AAC 70.017. Tier 3 Outstanding National Resource Water.** (a) Tier 3 water shall be designated in statute. To be eligible for Tier 3 designation the water must have exceptional characteristics relative to other state of Alaska water including one or more of the following

(1) the water is in a relatively pristine condition, largely absent of human sources of degradation, and of exceptional value to the state in this condition;

(2) the water is of exceptional ecological, economic, or recreational significance; or

(3) the water is an exceptional and rare example of its type regardless of whether the water is considered high quality.

(b) any water or segment thereof that meets (a) (1), (2), or (3) of this section may be nominated for Tier 3 designation. A nomination for Tier 3 designation may be submitted to the department by any resident of Alaska. The nomination must include current contact information for the nominator and the following required information about the water proposed for Tier 3 designation

(1) the name, description, and geographic location;

(2) the boundaries or extent, including maps, sufficient to define the water in statute;

(3) identification of land ownership adjacent and proximal to the proposed water, including information on whether those lands have designated or protection status;

(4) rationale and information to support a Tier 3 designation that meets conditions in (a) of this section including the required comparison to other state of Alaska water to demonstrate exceptional characteristics and an explanation of how the existing water quality supports the rationale;

(5) an explanation of why the existing management and protection levels are insufficient, including an identification and description of immediate, short term, or potential significant risks to the exceptional characteristics of the water;

(6) any supporting available evidence, including information on existing uses, sufficient and credible water quality data, and other technical data or records; and

(7) other available evidence which the nominator considers supportive of the nomination, such as

(A) any additional information on land owners, stakeholders, or communities that may be affected by the proposed designation and the respective interests in the proposed designation;

(B) any economic or social information relative to the proposed designation, including available natural resources, special land area designations, transportation corridors, and subsistence uses and users;

(C) documentation of any public outreach and the public's level and degree of support for the proposed designation;

(D) documentation of the level and degree of support for the proposed designation from any affected local government; and

(E) any additional information related to the proposed water or evidence to support the proposed designation.

(c) the department will conduct a completeness review, at a minimum annually, and request additional information, as necessary.

(d) every three years the department will

(1) develop an initial prioritization for the nominations received and deemed complete based upon

(A) the timing and significance of risks to the existing water quality and uses; and

(B) adequacy of the rationale and justification for nomination.

(2) give public notice of the Tier 3 water nominations it has received and deemed

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complete and of the department's initial prioritization; the department will accept public comments for a period of at least 30 days;

(3) determine a final prioritization based on (1) of this subsection and public comments received under (2) of this subsection; the department will retain and reconsider the non-prioritized nominations once, during the next three year review under this subsection;

(4) consult and request input on the priority Tier 3 nominations from applicable agencies, including the Department of Fish and Game, Department of Natural Resources, Department of Commerce, Community, and Economic Development, Department of Transportation and Public Facilities, and federal or tribal land managers as applicable.

(5) give public notice of the priority Tier 3 water nominations, accept public comments on the nomination package(s) for a period of at least 60 days, and, at the department's discretion, hold one or more public hearings on the priority nomination(s);

(6) evaluate the nomination(s) and available evidence for

(A) consistency with (a) and (b) of this section;

(B) identification of all existing discharges;

(C) factors that may affect the ability to maintain the existing water quality and the proposed Tier 3 level of protection;

(D) potential impacts to communities affected by the nomination(s) and the level and degree of support from those communities;

(E) risk of losing exceptional characteristic of the water if it is not designated Tier 3; and

(F) potential loss of other resources or development opportunity if the water is designated Tier 3; and

(7) issue a joint report to the governor's office and the legislature for potential statutory designation of the water for Tier 3 protection; the report will include

(A) a list of all water nominated for Tier 3 designation;

(B) a summary of the priority water, including the department's prioritization finding;

(C) the nomination information submitted to the department for the priority water;

(D) the available evidence submitted through agency consultation and during public comment, including public hearings if conducted;

(E) the department's analysis of the Tier 3 nomination for the priority water; and

(F) a summary of the prioritized, non-designated water submitted in the previous three year joint report. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	AS 46.03.710	AS 46.03.720
	AS 46.03.050	AS 46.03.100	
	AS 46.03.070		

18 AAC 70.990 is amended by adding new definitions to read:

(73) “assimilative capacity” means the increment of water quality that is better than the applicable criteria; or the capacity of a specific water to accommodate the addition of a pollutant or parameter without causing violations of applicable water quality criteria, impairing water quality, or negatively impacting uses.

(74) "highest statutory and regulatory requirements" means

(A) any federal technology-based effluent limitation identified in 40 C.F.R. 125.3 and 40 C.F.R. 122.29, as amended through July 1, 2012, adopted by reference;

(B) minimum treatment standards in 18 AAC 72.050;

(C) any treatment requirement imposed under another state law that is more stringent than a requirement of this chapter; and

(D) any water quality-based effluent limitations established in accordance with 33 U.S.C. 1311 (Clean Water Act section 301(b)(1)(C)).

(75) "new or expanded" means actions that are regulated for the first time or actions that are expanded such that they could result in an increase in permitted pollutant or parameter load or concentration or other changes in discharge characteristics that could lower water quality or have other adverse environmental impact.

(76) “parameter” means any chemical, physical or biological characteristic of water.

(77) “pollutant”

(A) means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials,

radioactive materials except those regulated under 42 U.S.C. 2011, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water;

(B) does not include sewage from vessels or water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well

(i) is used either to facilitate production or for disposal purposes;

(ii) is approved by authority of the department, and

(iii) if the department determines that the injection or disposal will not result in the degradation of ground or surface water resources;

(78) “receiving water” means the water, or segment thereof, in which an action takes place or to which a discharge occurs or is proposed to occur.

(79) “sufficient and credible” means data that is of adequate quantity and quality; scientifically valid chemical, physical or biological data collected under an accepted sampling and analysis plan, including quality assurance and quality control procedures, and addressing spatial and temporal coverage, as applicable;

(80) “temporary and limited” means that degradation is limited to the shortest possible time, generally weeks or months. Such activities shall not permanently degrade water quality and shall only be allowed after all practicable means of minimizing such degradation are implemented. The following factors will be considered in determining if proposed degradation would be temporary and limited:



- (A) length of time during which water quality will be lowered; this may include temporary actions that require more than one construction season to complete;
- (B) percent change in ambient conditions;
- (C) pollutants or parameters and characteristics, including the potential for cumulative effects;
- (D) likelihood for long term water quality benefits to the water body after the short term degradation;
- (E) degree to which achieving the applicable water quality standards or criteria during the proposed activity will be at risk; and
- (F) potential for any residual long term effects on existing uses. (Eff. 11/1/97, Register 143; am 4/29/99, Register 150; am 6/22/2003, Register 166; am 6/13/2006, Register 178; am \_\_/\_\_/\_\_\_\_, Register\_\_\_\_)

<b>Authority:</b>	AS 46.03.010	AS 46.03.080	AS 46.03.110
	AS 46.03.020	[AS 46.03.090]	AS 46.03.710
	AS 46.03.050	AS 46.03.100	AS 46.03.720
	AS 46.03.070		